

HOUSE No. 328

By Mr. Broadhurst of Methuen, petition of Arthur J. Broadhurst relative to disability pensions of police and fire fighters due to Hepatitis. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT CREATING A PRESUMPTION CONCERNING DISABILITY PENSIONS OF CERTAIN POLICE AND FIREFIGHTERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 26 of chapter 31 of the General Laws, as
2 appearing in the 1996 Official Edition, is hereby amended by
3 striking out, in lines 86 and 87, the words “ninety-four, ninety-six
4 A and ninety-four B” and inserting in place thereof the figures:—
5 94, 94A, 94B and 94C.

1 SECTION 2. Chapter 32 of the General Laws is hereby
2 amended by inserting after section 94B the following section:—
3 Section 94C. Notwithstanding the provisions of any general or
4 special law to the contrary affecting the non-contributory or con-
5 tributory system, any condition of impairment of health caused by
6 hepatitis resulting in total or partial disability or death to a uni-
7 formed member of a paid fire department or permanent member of
8 a police department, or of the police force of the Massachusetts
9 Bay Transportation Authority, or of the state police, or of the
10 public works building police, or to any employee in the depart-
11 ment of correction whose regular or incidental duties require the
12 care, supervision or custody of prisoners, criminally insane per-
13 sons or defective delinquents, or to any permanent crash
14 crewman, crash boatman, fire controlman or assistant fire con-
15 trolman employed at the General Edward Lawrence Logan Inter-
16 national Airport, shall, if he successfully passed a physical
17 examination on entry into such service, or subsequently success-

18 fully passed a physical examination, which examination failed to
19 reveal any evidence of such condition, be presumed to have been
20 suffered in the line of duty, unless the contrary be shown by com-
21 petent evidence.

22 As used in this section the words “permanent member of a
23 police department” shall include a permanent member of the park
24 police of a city or town.

25 This section shall take effect in a city or town upon its accep-
26 tance by such city or town.

1 SECTION 3. Section 100 of said chapter 32, as appearing in the
2 1996 Official Edition, is hereby amended by striking out, in
3 lines 79 and 80, the words “ninety-four, ninety-four A and ninety-
4 four B” and inserting in place thereof the following figures:— 94,
5 94A, 94B and 94C.

1 SECTION 4. Section 100A of said chapter 32, as amended by
2 section 9 of chapter 19 of the acts of 1997, is hereby further
3 amended by striking out subsection (e) and inserting in place
4 thereof the following subsection:—

5 (e) The presumption created by sections 94, 94A, 94B and 94C
6 shall not apply to eligibility for the \$100,000 killed in line of duty
7 benefit.